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To Examiner, Dwayne K. Handy
Company UNITED STATES PATENT AND TRADEMARK OFFICE
Fax number 1.571.273.8300
From Bella Fishman
Date November 6, 2007
Subject US Patent Application No. 10/829,640
Filing Date: April 22, 2004
Varian Docket No. 04-02 US

**Pages** (including this sheet) 8

I, Debbie Kus, hereby certify that on November 6, 2007 this correspondence is being transmitted to Examiner, Dwayne K. Handy at the Centralized Facsimile No. 1.571.273.8300 at the US Patent and Trademark Office.

Debbie Kus 11/6/07
Signature Date Signed

Please see the attached response to the Office Action mailed August 7, 2007 for the above referenced patent application.

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Docket No.: 04-02 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Swon et al.

Serial No.: 10/829,640

Filed: April 22, 2004

Title: APPARATUS AND METHOD FOR
AGITATING A SAMPLE DURING
IN VITRO TESTING

Examiner: Handy, Dwayne K.

Art Unit: 1743

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Debbie Kus 11/6/07
Signature Date Signed

Examiner, Handy, Dwayne K.
Commissioner for Patents
Centralized Facsimile No. 1.571.273.8300

AMENDMENT UNDER 37 C.F.R. § 1.111

Sir:

This is responsive to the non-final Office Action dated August 7, 2007, for which a shortened statutory period for reply is set to expire on November 7, 2007. Favorable reconsideration of the Application is respectfully requested in view of the following Amendments and Remarks.

Amendments to the claims are reflected in the listing of claims, which begins on page 2 of this paper.

Remarks begin on page 6 of this paper.